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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

VADIM MIKHLYN, INGA MIKHLYN,)
AND ABC ALL CONSULTING, INC.,)
Plaintiffs,)

v.)

ANA BOVE, POLINA DOLGINOV,)
ANNA BOVE COMPANY, LLC,)
ANNA BOVE COLLECTIONSM INC.,)
AND ANNA BOVE EMBROIDERY)
SUPPLIES, INC,)
Defendants.)

ANA BOVE,)
ANNA BOVE COMPANY, LLC,)
AND ANNA BOVE EMBROIDERY)
SUPPLIES, INC,)
Counter-Plaintiffs,)

v.)

VADIM MIKHLYN, INGA MIKHLYN,)
AND ABC ALL CONSULTING, INC.,)
Counter-Defendants.)

Index No. CV 08 3367

J. Sifton
M.J. Reyes

COUNTERCLAIMANT'S NOTICE
OF MOTION AND MOTION
FOR PRELIMINARY INJUNCTION

PLEASE TAKE NOTICE that upon the accompanying declaration of Anna Bove, dated

September 17, 2008, the exhibits thereto, and the accompanying Memorandum of Law in

Support of Plaintiff's Motion, as well as upon the Memorandum of Defendant Bove in Opposition to Plaintiffs' Motion for a Preliminary Injunction and Supporting Declarations of Ana Bove and Polina Dolginov filed September 9, 2008, Counterclaimants ("Anna Bove") will move this Court in accordance with a scheduling order entered by the Court on September 5, 2008, on September 25, 2008 at a time to be set by the Court, at the Courthouse at 225 Cadman Plaza East, Brooklyn, New York 11201 before the Honorable Charles Sifton, Judge of the United States District Court, pursuant to Rule 65 of the Federal Rules of Civil Procedure for an order of preliminary injunction enjoining during the pendency of this litigation, Defendants Vadim Mihklyn, Inga Mihklyn and ABC All Consulting, Inc., their employees, servants, agents and all others acting in concert therewith:

1. from infringing the Copyright Registration (Exhibit 1 of the Counterclaim) by making, using, offering for sale, selling, marketing, displaying, distributing and advertising any works infringing the Copyright or Portions thereof;
2. from infringing the "ANNA BOVE," "ANNA BOVE COLLECTIONS," and "ABC EMBROIDERY DESIGNS," trademarks and confusingly similar variants thereof trademarks of Counterclaimant and/or using any other mark, including but not limited to "ANNA BOVE," "ANNA BOVE COLLECTIONS," and "ABC EMBROIDERY," and confusingly similar variants thereof or which is a colorable imitation of Counterclaimant's

- marks in such a manner that there is a likelihood of confusion as to the source of goods or services in the minds of the purchasing public;
3. from using any domain names employing abc or Anna Bove or any variant thereof for the embroidery business and immediately turn over control of all said domain names to Bove; the Court further
 4. ordering Counterdefendants to turn over to the Court or to Counterclaimant, or to destroy within ten (10) days from the entry of any Final Judgment or Preliminary Decree entered in this action, all property owned or possessed by Counterdefendants which is unlawfully created copies of Counterclaimant's distinctive works, all means owned or possessed by Counterdefendants used to create said infringing designs, any infringing product literature owned or possessed by Counterdefendants, and all other works owned or possessed by Counterdefendants that infringe Counterclaimants's copyrights, trademarks or trade dress rights, including an award of costs, if any, incurred by Counterclaimants for the destruction of said articles;
 5. ordering that Counterdefendants be required to deliver up for impoundment or destruction all labels, signs, prints, packages, wrappers, receptacles, advertisement, materials and goods now in its possession which bear or display the "ANNA BOVE," "ANNA BOVE COLLECTIONS," and "ABC EMBROIDERY DESIGNS," or colorable

imitations thereof, together with any and all plates, negatives or other reproduction items capable of printing, reproducing or duplicating the "ANNA BOVE," "ANNA BOVE COLLECTIONS," and "ABC EMBROIDERY DESIGNS," and or colorable imitations thereof;

6. ordering an accounting of the abc embroidery businesses conducted by the Mikhlyns since on or about July 2007;

7. ordering Counterdefendants to provide a detailed accounting to Counterclaimants with respect to the Counterclaimants business and Counterclaimants intellectual property, and the proceeds from any use, sale, distribution or licensing thereof and immediate transfer of all internet business accounts such as PayPal; and

8. ordering that Counterdefendants be directed to file with this Court and serve on Counterclaimant within 10 days after service of the preliminary injunction, a report in writing, under oath, setting forth in detail the manner and form in which Counterdefendants have complied with this order and injunction;

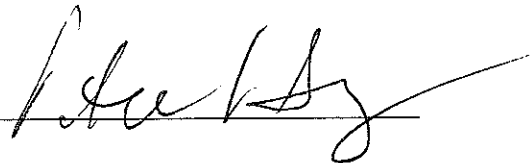
9. granting such other and further relief as the Court deems just and proper, together with interest, attorneys fees, costs and disbursements of this action.

Opposition papers to this motion and any opposing affidavits and answering memoranda shall be served before 2:00 p.m. on September 24, 2008.

Dated: New York, New York

September 17, 2008

Levisohn Berger, LLP

By: 

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